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C O N F I D E N T I A L SECTION 01 OF 02 PHNOM PENH 000469

SIPDIS

STATE FOR EAP/MLS, D, P, DRL

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TAGS: [PGOV](#) [PHUM](#) [KJUS](#) [PREL](#) [CB](#)
SUBJECT: WHIRLWIND DEFAMATION CASE DISMISSAL SHOWS
OPPOSITION A WAY OUT OF "PERFECT STORM" OF LITIGATION

REF: A. PHNOM PENH 413
[1](#)B. PHNOM PENH 410

Classified By: ACTING DEPUTY CHIEF OF MISSION GREG LAWLESS FOR REASONS
1.4 (B, D)

[1](#)1. (C) SUMMARY: A new defamation/incitement case filed July 8 against leading opposition party newspaper publisher Dam Sith was quickly negotiated into the withdrawal of the complaint when Dam Sith publicly apologized to Prime Minister Hun Sen. Parliamentarian and Sam Rainsy Party (SRP) leader Tioulong Saumura told Acting DCM July 9 that SRP will use parts of the Dam Sith conciliation playbook to rid themselves of four outstanding defamation suits against party members and to "choose a battleground where we can fight" while preserving the political space the party has used to develop and mature. She compared the CPP-dominated courts' use of defamation and incitement cases against SRP to "being dropped into a typhoon." While declaiming against a "subverted and politically manipulated" judicial system and sadly noting some shrinkage of the space for Cambodia's usually free-wheeling press, Saumura was confident that the party would come out of this "perfect storm" -- ironically set in motion by SRP's own MP Mu Sochua in late April, when she filed the first defamation case against PM Hun Sen -- ready to do battle as more competent, cooperative, and professional problem solvers. Saumura acknowledged that the jailing of opposition newspaper editor Hang Chakra was a more serious threat to press freedom, but placed the blame on Deputy Prime Minister Sok An, who so far was not willing to negotiate the exchange of an apology for a pardon/release. END SUMMARY.

[1](#)2. (C) Phnom Penh woke up July 9 to the news in local papers that government lawyer Long Dara had filed a complaint against Dam Sith, the editor of daily Khmer-language Moneaksekar Khmer (Cambodian Conscience) related to 18 articles published between February and April and that the Phnom Penh prosecutor had summoned Dam Sith for questioning on July 14 to answer charges related to defamation, insults, disinformation, and incitement. Two of these charges carry criminal penalties of up to three years in jail. SRP leader Tioulong Saumura (wife of Sam Rainsy and nominal party chief executive) called A/DCM July 8 to ask for an urgent meeting the next morning to discuss this case.

Incredible Negotiating Session

[1](#)3. (C) Saumura related that the morning newspaper stories were already out of date and that Dam Sith had negotiated the withdrawal of the complaint in exchange for Dam Sith's formal apology to Prime Minister Hun Sen. The apology had already been read on CTN TV the morning of July 9 and CTN had announced the complaint and summons was being withdrawn. Saumura claimed that Dam Sith had urgently approached Deum Ampil newspaper publisher and CTN TV personality Soy Sopheap

the evening before to negotiate the removal of the charges and that Soy Sopheap placed a phone call direct to Hun Sen. Putting Hun Sen on the speaker phone, Soy Sopheap proceeded to negotiate the terms of the withdrawal between the two principals, she said. Saumura claimed that the terms on Dam Sith were exacting at first -- including his joining the CPP -- but that Dam Sith was able to whittle away at them. In the end, Dam Sith had to agree to apologize for affecting the honor of Hun Sen and other CPP leaders, and also agreed to dissociate himself from the Monekasekar Khmer newspaper and to support the Prime Minister's "win-win" policy of development. (A copy of the letter of apology is being sent to the Desk.) Saumura claimed Dam Sith would stay away from the newspaper "for a while" and implied that he would get back into other newspaper work before the year is out.

14. (C) However, the Dam Sith experience finally showed SRP a way out of its current "perfect storm" she said. Already SRP was looking for an intermediary between Ho Vann, also cited for defamation and incitement, and the 22 military officials whose honor allegedly had been affected by his statement their military degrees were worthless (Ref B). Ho Vann was ready to write a letter of apology, she said. The case by Foreign Minister Hor Namhong against Sam Rainsy might have to wait for the appeal on a similar case in France, she noted. However, the defamation case by Phnom Penh Municipal Mayor Kep Chuktema based on Rainsy's claim that municipal CPP members tried to buy SRP members' votes during the local council elections (filed on May 27 but with no summons as of yet) might follow a similar course of apology.

Mu Sochua "Not Universally Liked"

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15. (C) As for the case of Mu Sochua, this would follow a different path, said Saumura. Commenting first that the SRP core members thought the SRP found itself in a counterproductive battle with the ruling CPP because of Mu Sochua's defamation suit against Hun Sen (filed April 27 but dismissed June 10), and that some in the party "did not like her," Saumura said that the party faithful had conceded to Mu Sochua's "pride and principals" and they would allow her to continue as a defendant in Hun Sen's defamation suit against her. Expecting that she will be found to have violated the non-criminal defamation provisions of the law and fined 10 million riel (\$2500), and noting that Mu Sochua will live up to her personal vow not to pay the fine, Saumura said the party will then step in and order that the fine be paid. After that, either the party or a supporter will pay the fine on Mu Sochua's behalf, she said.

16. (C) "It's crazy to be fighting this battle," said Saumura, who likened the defamation cases to "being dropped into a typhoon." The SRP needed to choose the battle ground on which it could fight, she said. Citing new party building exercises across the country, she said the SRP would follow advice from a German technical advisor to project themselves as mature statespersons who are competent and issue-oriented, ready to cooperate on issues and acting as problem-solvers.

A More Difficult Case

17. (C) When asked about SRP members' efforts to visit the jailed editor of Khmer Machas Srok newspaper, Hang Chakra, who in June was jailed for one year on a disinformation charge, Saumura confirmed the SRP had submitted a request to the Ministry of Interior but had not yet been able to see him. She conceded this was a more difficult case (Ref B). Hang Chakra, who wrote articles on corruption within the Council of Ministers, especially among the circle around Sok An, apparently had appealed to Sok An from his jail cell to help him get released in exchange for a public apology. According to Saumura, Sok An declined, saying that "it was

too late." (NOTE: We believe efforts at conciliation continue. In the meantime, Hang Chakra's lawyer reports that his client is well, is satisfied with the food in jail and has not reported being abused, but is confined with 40 others in cramped quarters. END NOTE.)

18. (C) COMMENT: Saumura has long been a pragmatic leader at the top of SRP and once again she has found a path forward for the party, which she confidently portrays as thriving and still able to enjoy what she calls a "small" open political space. She also paints a picture of Dam Sith's storm as something that will pass and, by the end of the year, be gone. She seemed genuinely surprised by Hun Sen's willingness to negotiate through formal apology, but eager to seize for the party the fortuitous opportunity of the Prime Minister's example to be used in other cases. The Hang Chakra-Sok An experience shows that some underlying threats to a genuinely free press remain, although we cannot rule out Sok An's softening over time. In septel, post will address these and other issues of freedoms being challenged in Cambodia by a stronger CPP and our comprehensive response to this new development.

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